IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15118 of 2005

Between:

Bandla Bapaiah Hindu Junior College (High School),

Vetapalem, Prakasam District,

rep by its Correspondent Sri Bandla China Bapaiah

S/o.Late Sri rao Sahab Bandla Bapaiah Setty Garu
R/o.Naumipally, Vetapalem Mandal Prakasam District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep by its Secretary, School Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education A.P.Hyderabad.
3. The Regional Joint Director of School Education Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially Writ of Mandamus declaring the action of the respondents in not allowing the petitioner school to go ahead with selection process as per the permission accorded by the competent authority as illegal, arbitrary and unjust and consequently direct the respondents to appoint the departmental nominee to commence the selection process to fill up the Drawing

Teacher post in petitioner school, not withstanding the ban imposed under the Memo dt.20.10.2004 forthwith.

Counsel for the Petitioner: MR.RAJ KUMAR RUDRA

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in not allowing the petitioner to fill up the vacancy of Drawing Teacher though approval for filling up the vacancy was granted as early as on 31-07-2004 by the second respondent pursuant to which even further proceedings were issued by the third respondent dated 16-08-2004.

2. The grievance of the petitioner is that when the petitioner proposed to select the candidate for filling up the vacancy of Drawing Teacher, the respondents are not cooperating and in fact rejecting for filling up of the vacancy on the ground that a ban was imposed by the Government with regard to filling of any aided vacancies by proceedings dated 20-10-2004.

3. According to the learned counsel for the petitioner as the approval has been granted much before the proceedings of ban imposed by the Government, the ban imposed has no application. Therefore, the respondents have to be directed to cooperate with the petitioner for filling up the vacancy of the Drawing Teacher in the petitioner-institution.

4. Heard the learned counsel for the petitioner and the learned Government Pleader.

5. In view of the fact that permission was accorded as early as on 31-07-2004 by the second respondent and further proceedings were communicated by the third respondent on 16-08-2004, the ban imposed on 20-10-2004 has no application to the present case.

6. Therefore, the respondents are directed to cooperate with the petitioner for filling up the vacancy of Drawing Teacher in the petitioner-institution.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

13th July, 2005

SKM

Copy to:

1. The Secretary, Government of Andhra Pradesh,
   School Education Department, Secretariat,
   Hyderabad.

2. The Commissioner and Director of School Education,
   Andhra Pradesh, Hyderabad.

3. The Regional Joint Director of School Education,
Guntur.

4. Two C.Cs to the Government Pleader for School Education,
High Court Buildings, High Court of Andhra Pradesh,
Hyderabad. (O.U.T.)

5. Two C.D. Copies.